

CRM-M-7806 of 2023

2023:PHHC:077513

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-7806 of 2023

Date of decision: 25.05.2023

Sunny Verma

.....Petitioner

Versus

State of UT, Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Abhishek Khullar, Advocate,
for the petitioner.

Mr. Deepinder Singh, Addl. P.P,
for U.T., Chandigarh.

NAMIT KUMAR, J.

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.167 dated 13.09.2022 under Sections 279, 337, 304-A IPC (Sections 107 and 304 IPC added later on), registered at Police Station Industrial Area, District Chandigarh.

2. FIR in the present case was registered on the complaint of Rohit alleging that on 12.09.2022, he along with his friend Kashim was going to their home from Industrial Area on the bicycle of Kashim. At about 10.20 p.m., when they reached near Poultry Farm Chowk, one truck bearing registration No.HP65-2951 coming from behind at high speed firstly hit an Activa, then their cycle and then another cycle. PCR took all the injured to the hospital where he is under treatment while his

friend Kashim expired. During investigation, Sunny Verma (present petitioner) and Anil Kumar were arrested and accidental truck was recovered.

3. Learned counsel for the petitioner contended that the petitioner is innocent and has been falsely implicated in the present case as he has not committed any offence. He further submitted that present case is a case of accident and there was no intention whatsoever of causing harm to anybody. He further submitted that no case under Section 304 IPC is made out against the petitioner. He further submitted that petitioner is in custody since 16.09.2022; investigation is complete; challan has already been presented and charged have been framed. He further submitted that nothing is to be recovered from the petitioner. He further submitted that trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. *Per contra*, learned State counsel, while placing on record the custody certificate, has vehemently opposed the prayer of the petitioner for grant of regular bail by stating that petitioner was driving the truck in a rash and negligent manner and hit multiple vehicles as a result of which two lives have been lost. Therefore, he is not entitled grant of regular bail.

5. I have heard learned counsel for the parties and perused the record.

6. According to the reply filed by the U.T., Chandigarh, the petitioner was driving his truck No. HP65-2951 at high speed in rash and negligent manner, which hit one Activa scooter, their cycle, one another cycle and one street car injuring five persons out of which two persons, namely, Krishan Nand Ram and Kasim succumbed to their injuries. It has come on the record that driver of truck dragged the activa scooter to a long distance and due to which rider suffered multiple injuries and resultantly died. After causing the accident petitioner fled from the spot and was arrested later on.

7. Keeping in view the gravity of offence that two precious lives have been snuffed out in the accident caused by the petitioner and the fact that in case petitioner is released on bail he may influence the witnesses, petitioner is not entitled to the concession of regular bail.

8. Dismissed.

9. Nothing observed hereinabove shall be construed as an expression of opinion on the merits of the case.

25.05.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No